

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**UNIVERSITY OF TENNESSEE RESEARCH  
FOUNDATION,**

*Plaintiff,*

v.

**CAELUM BIOSCIENCES, INC. AND THE  
TRUSTEES OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK,**

*Defendants.*

**No. 3:19-cv-00508-CEA-JEM**

**JURY TRIAL DEMANDED**

**UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION'S  
MOTION TO MODIFY THE COURT'S SCHEDULING ORDER**

Pursuant to Federal Rules of Civil Procedure 16(b)(4), Plaintiff University of Tennessee Research Foundation (“UTRF”) respectfully requests that the Court enter an Order modifying the Scheduling Order (Doc. 105), extending all forthcoming deadlines beginning with UTRF’s deadline to disclose expert testimony, which is currently set for July 5, 2022. For the reasons set forth in the accompanying Memorandum of Law in Support of Plaintiff’s Motion to Modify the Court’s Scheduling Order, Plaintiff respectfully submits that good cause is shown to modify the Scheduling Order to permit an additional six months of discovery. Specifically, UTRF has diligently pursued discovery since it opened in this case, and Defendants will not be prejudiced should the requested modification to the case schedule be Ordered by the Court.

The undersigned certifies that counsel for UTRF attempted in good faith to resolve these disputes with opposing counsel. Counsel for the Parties have previously discussed the need to modify the case schedule during telephonic meet and confers, and counsel for UTRF sent an e-mail with the specific proposal requested in this Motion (*i.e.*, extending all remaining case deadlines by six months) to Defendants’ counsel on May 18, 2022, along with a request to meet and confer. Ex.<sup>1</sup> 8. Counsel for Defendants declined UTRF’s counsel’s request for a telephonic meet and e-mailed their position that the Parties should wait until the Court considered Defendant Columbia University’s Motion for Protective Order and Stay of Discovery prior to discussing UTRF’s proposed modification to the Scheduling Order.

For the reasons set forth in the accompanying Memorandum of Law in Support of Plaintiff’s Motion to Modify the Court’s Scheduling Order, UTRF respectfully submits that the Motion should be granted.

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<sup>1</sup> Exhibit to the Declaration of Daniel P. Hipskind (hereinafter, “Hipskind Decl.”), which is submitted herewith in support of UTRF’s Motion to Modify the Court’s Scheduling Order

Dated: May 23, 2022

Respectfully submitted,

s/Daniel P. Hipskind

Daniel P. Hipskind

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*Attorneys for Plaintiff University of  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 23rd day of May 2022, the foregoing was electronically filed with the Clerk of Court using the CM/EFC filing system, which will electronically serve same on all counsel of record for the Parties to the above-captioned case.

s/Daniel P. Hipkind  
Daniel P. Hipkind